

## **REMARKS**

### **Summary**

Claims 1-5, 7-17, and 29-34 were pending. In the present response, claim 34 is cancelled. No claims are amended or added. No new matter has been added.

Accordingly, claims 1-5, 7-17, and 29-33 are pending.

### **Claim Rejections Under 35 USC 101**

Claim 34 was rejected under 35 USC 101. Claim 34 is cancelled herein thus obviating the rejection of the claim.

### **Claim Rejections Under 35 USC 102**

Claims 33 and 34 were rejected under 35 USC 102(e) over Elsey (US 2009/0156178). Claim 34 is cancelled herein thus obviating the rejection of the claim. Applicant respectfully traverses the rejection of claim 33.

A 37 CFR 1.131 Declaration is submitted herewith swearing behind the effective date of Elsey, namely December 21, 2000.

Elsey claims priority to a provisional patent application (US 60/257,913) filed on December 21, 2000. Through a chain of applications, Elsey also claims priority to US 09/441,656 (now USP 6,870,921), filed on November 12, 1999. However, the '656 application does not provide any teaching to support the rejections for which Elsey is utilized. The '656 application is directed to telephone directory services and systems and establishing private directories within such a directory system. The '656 application does not teach or suggest "receiving by a computing device a designation of one or more access privileges to access a calendar; receiving by the computing device an input or access request for a first time-slot of a plurality of time-slots of the calendar, wherein the one or more access privileges are defined for specific time-slots of the plurality of time-slots of the calendar independent of whether there are any events scheduled on the calendar during the specific time-slots, and if there are events scheduled on the calendar during the specific time-

slots, independent of any access privileges defined for such events; and processing by the computing device said received input or access request in accordance with the one or more access privileges" as recited in claim 33. Thus, the effective date of Elsey is December 21, 2000.

As stated in the Declaration, and supported in the Showing of Facts and accompanying Exhibits 1-7, Applicant conceived of the invention described and claimed in US Patent Application 09/872,686, no later than July 5, 2000, and diligently reduced the invention to practice from at least before December 21, 2000 (the effective date of Elsey) to May 31, 2001, the filing date of the present application, which is the constructive reduction to practice date of the invention.

Because of the above, Elsey is not a valid reference against the pending claims. Applicant thus respectfully requests removal of Elsey as a cited reference. Therefore, Applicant submits that claim 33 is patentable over the references of record.

### **Claim Rejections Under 35 USC 103**

#### **Claims 1-5, 8-17, and 29-34**

Claims 1-5, 8-17, and 29-34 were rejected under 35 USC 103(a) over Vincent (US 4,881,179), in view of Barnett (US 6,369,840) and Elsey. Claim 34 is cancelled herein thus obviating the rejection of the claim. Applicant respectfully traverses the rejections with respect to claims 1-5, 8-17, and 29-33.

The distinctions of the present claims over Vincent and Barnett have been detailed at least in the prior response. In reply, the current Office Action cited Elsey in an attempt to overcome the deficiencies of Vincent and Barnett. However, as stated above, and as established in the accompanying 1.131 Declaration, Elsey is not a valid reference against the present application. Since Vincent and Barnett do not teach or suggest all the features of claims 1-5, 8-17, and 29-33, and Elsey is not a valid reference against the pending claims, Applicant respectfully requests reconsideration and withdrawal of the rejections.

Claim 7

Claim 7 was rejected under 35 USC 103(a) over Vincent in view of Barnett and Elsey and further in view of Falkenhainer (US 5,930,801). Applicant respectfully traverses the rejection of claim 7.

Claim 7 is dependent on claim 1 and thus is patentable over the above-cited references for at least the same reasons noted above. Falkenhainer does not overcome the deficiencies of the above-cited references. Thus, claim 7 is patentable over the cited references for at least the same reasons discussed with respect to claim 1.

Conclusion

Applicant respectfully asserts that the claims are in condition for allowance. Entry of the foregoing is respectfully requested and a Notice of Allowance is earnestly solicited. Please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,  
SCHWABE, WILLIAMSON & WYATT, P.C.

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